

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.41.012, 23.47.024, 23.54.015, 23.84.032 and 25.05.675 to modify open space requirements for residential uses in commercial zones within the First Hill Urban Center Village and to modify parking requirements for multifamily uses within the First Hill Urban Center Village further implementing the First Hill neighborhood plan.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which subsection was last amended by Ordinance 121359, is amended as follows:

**23.41.012** Development standard departures.

\* \* \*

B. Departures may be granted from the following requirements:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;
4. SCM zone facade requirements, including transparency and blank facade provisions;
5. Design, location on the lot and access to parking requirements;
6. Open space, residential amenity area or common recreation area requirements;
7. Lot coverage limits;
8. Rooftop coverage limits that apply within the South Lake Union Hub Urban Village;
9. Screening and landscaping requirements;

1                   10. Standards for the location and design of nonresidential uses in mixed use  
2 buildings;

3                   11. Within Urban Centers, in L3 zones only, the pitched roof of a structure, as  
4 provided in Section 23.45.009C, may incorporate additional height of up to twenty (20) percent  
5 of the maximum height permitted, as provided in Section 23.45.009A, subject to the following  
6 limitations:

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8                   a. A pitched roof may not incorporate the additional height if the structure  
9 is on a lot abutting or across a street or alley from a single-family residential zone,

10                   b. The proposed structure must be compatible with the general  
11 development potential anticipated within the zone,

12                   c. The additional height must not substantially interfere with views from  
13 up-slope properties, and

14                   d. No more than one (1) project on one (1) site within each Urban Center  
15 may incorporate additional height in the pitched roofs of its structures pursuant to this subsection  
16 unless development regulations enacted pursuant to a neighborhood planning process allow other  
17 projects to incorporate such additional height;  
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19                   12. Building height within the Roosevelt Commercial Core (up to an additional  
20 three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);  
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22                   13. Building height within the Ballard Municipal Center master plan area, for  
23 properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area).  
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25 The additional height may not exceed nine (9) feet, and may be granted only for townhouses that  
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front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center

Master Plan;

14. Reduction in required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000." The parking requirement must be no less than the required parking for Pedestrian 1 designated areas shown in Section 23.47.044 Chart E;

15. Downtown or Stadium Transition Overlay District street façade requirements;

16. Downtown upper-level development standards;

17. Downtown coverage and floor size limits;

18. Downtown maximum wall dimensions;

19. Downtown street level use requirements;

20. Combined coverage of all rooftop features in downtown zones subject to the limitations in Section 23.49.008C2; and

21. Certain conditions to allowance of additional height in DOC 1 and DOC 2 zones pursuant to subsection 23.49.008A 2, as follows:

a. Limits on gross floor area of stories under subsection 23.49.008A2a(2);

and

b. Percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008A2b(1).

22. Building height in Lowrise zones, and parking standards of Section 23.54.015 in Midrise and Commercial zones, in order to protect existing trees as provided in Chapter 25.11;

23. Downtown view corridor and Downtown Green Street requirements to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor or Green Street setback, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code; and

24. Minor communication utility height limits in downtown zones set forth in SMC Section 23.57.013B, and telecommunication facilities development standards set forth in Section 23.57.016.

Section 2. Section 23.47.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is amended as follows:

**23.47.024 Open space and residential amenity area standards.**

Usable open space or residential amenity areas ~~((is))~~ are intended for use by the residents of the development or structure, and shall be required for all residential uses in mixed use development, single-purpose residential structures, and structures with one or more live-work units not located at street level according to the following:

A. ~~((Open Space Quantity))~~

Except as provided in subsection B. ~~((U))~~ usable open space shall be required for all residential uses in an amount equal to twenty (20) percent of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection,

shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

~~((B. Open Space Development Standards.))~~

1. ~~((When permitted, required))~~ Required usable open space may be provided at ground level or may be provided above the ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above the ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six (6) feet.

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten (10) feet.

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential, live-work or residential entrances, except for pedestrian access meeting the ~~((Washington State))~~ Seattle Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated by the Director.

7. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.012.

1        B. Within the First Hill Urban Center Village, subsection A does not apply. Instead,  
2 residential amenity areas are required in an amount equal to ten (10) percent of the total gross  
3 floor area in residential use up to a maximum requirement equal to fifty (50) percent of the lot  
4 area. Calculation of gross floor area, for the purposes of this subsection, excludes area used for  
5 mechanical equipment, accessory parking and unenclosed decks or balconies.

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7        1. Eligible residential amenity areas include: decks, balconies, terraces, solaria,  
8 greenhouses, roof gardens, community rooms, exercise rooms, plazas, courtyards and other  
9 similar amenities.

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11        2. Residential amenity area must meet the following:  
12                a. A maximum of fifty (50) percent of the area may be enclosed;  
13                b. The area is available to all residents;  
14                c. The minimum horizontal dimension for an area is fifteen (15) feet, and  
15 no area can be less than two hundred twenty-five (225) square feet;  
16                d. Parking areas, driveways, and pedestrian access to building entrances,  
17 except for pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, are  
18 not counted as residential amenity area.

19  
20        3. A maximum of fifty (50) percent of the required residential amenity area may  
21 be provided off-site in a manner that in the Director's judgment provides a reasonable substitute  
22 for the amenity space that would have been provided on-site, or an applicant may make a  
23 payment to the City in lieu of providing the amenity area, if the Director determines:

24                a. The payment is comparable to the cost of providing the equivalent  
25 residential amenity space on-site;  
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b. The improvement or land acquisition funded by the payment is located within sufficient proximity to benefit the residents of the project to be served by the amenity; and

c. The improvement or land acquisition funded by the payment will occur within an appropriate time.

4. The Director is authorized to adopt rules to establish standards for the interpretation of subsection 3 as well as for the design and construction of improvements to be funded by in lieu of payments.

Section 3. Subsection “Multifamily uses, when within the First Hill Urban Center Village” is added to Chart A to Section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, as follows:

<b>Chart A for Section 23.54.015 PARKING</b>	
Use	Parking Requirements

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<u>Multifamily uses, when within the First Hill Urban Center Village</u>	<u>0.6 spaces for each dwelling unit</u>
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Section 4. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

**23.84.032 “R.”**

\* \* \*

“Residential Amenity Area” means common recreation areas required to meet the needs of residents. These include: decks, balconies, terraces, solaria, greenhouses, roof gardens, community rooms, exercise rooms, plazas, courtyards and other similar amenities.

\* \* \*

Section 5. Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

**25.05.675 Specific environmental policies.**

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M. Parking.

1. Policy Background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.



b. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided that:

i. No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones;

ii. In the Seattle Cascade Mixed (SCM) zone and for residential uses located within the Pike/Pine Overlay District or the First Hill Urban Center Village, no SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code;

iii. Parking impact mitigation for multifamily development, except in the Alki area, as described in subsection M2c below, may be required only where on-street parking is at capacity, as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on Exhibit 2, a higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need -- for example, because of proximity to the Alki Beach Park -- may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

d. Parking impact mitigation for projects outside of downtown zones may include but is not limited to:

i. Transportation management programs;

ii. Parking management and allocation plans;

iii. Incentives for the use of alternatives to single-occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;

iv. Increased parking ratios, unless the project is located within the Seattle Cascade Mixed (SCM) zone, ~~((or))~~ the Pike/Pine Overlay District, or the First Hill Urban Center Village; and

v. Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

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Section 6. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2004, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
City Clerk

(Seal)